

FREMONT BOARD OF SELECTMEN**13 JULY 2006****APPROVED 07/20/2006**

At 6:11 pm the Board's meeting was called to order. Present were Selectmen Gene Cordes, Peter Bolduc, and Donald Gates Jr; and Town Administrator Heidi Carlson.

Selectmen discussed information regarding the Scribner Road dam and sluiceway. The Board feels that a great deal of research needs to be done.

At 6:15 pm Dale Turner came into the Board's meeting. Cordes explained that the Board had talked further about this issue last week, that before they can make a decision about doing anything, we need more and better information and at the same time, feel they are pressured to get the road back open again.

FEMA had suggested to Guerwood Holmes that the Town could put it back to a useable level with a temporary fix (such as timbers or steel) and gravel the surface, until the issues can be solved and a more permanent fix can be done. Doing the project in completion may require additional taxpayer funds, and would likely wait until at least the next budget year.

Turner felt it was a problem that the entire sluiceway was uncovered fully. There was discussion about a siltation barrier such as filter fabric being put in place prior to any further work being done.

The Selectmen left it with Turner that there needed to be some determination of the road issues, dam and sluiceway issues, etc. The Board does not want to bring a full project to the taxpayers without having the information with regard to ownership and history of the property.

Turner said that he would like to get something in place so that he can control the water. He had some information on the gates that he discussed last week. He left a copy for the Board to review.

Selectmen said they would keep Turner posted on the progress, and that they will yet meet with the Road Agent tonight to discuss a temporary fix.

Turner said that he would pull the boards come Labor Day to avoid problems this spring. There was discussion about the water levels rising approximately six inches with the storm yesterday and last night.

Selectmen said they were going to talk with the Road Agent about a temporary fix and will continue to work with the records and come up with a final solution with all the proper information.

Turner said that he thinks nothing has changed underneath the sluiceway, though he believes there could have been some washing up on the sides, which is not currently visible, so cannot fully be determined. He said the sluiceway was built back at the time the old grist mill was there.

Turner left the meeting at 6:40 pm.

Dick Heselton and Neal Janvrin came into the meeting at that time.

Heselton said that there have been a tremendous number of problems with Nextel service. He provided a tech support number of 1 800 639 6111 and encouraged anyone having trouble with Nextel service to all it, ask for technical service and tell them you are having service problems. The towers have been moved and there is very little service in Fremont. He said to be sure and get a ticket number before you are completed with the tech.

Heselton said that he was having trouble with burn permit compliance at the Palmer residence at 706 Main Street. Heselton said he believes they are running a business at the house (Palmer Cleanouts) and

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material is in the burn pile that is not legal for outdoor burning such as a varnished headboard and plywood.

Heselton said he believes they need to have a permit for running a business, and he continues to check the pile when they request a permit to burn.

Heselton said he has made a decision regarding payment for training for fire department members currently enrolled (one enrolling in the fall) in EMT courses. Heselton has agreed to train the members out of the Fire Department training budget. There are a couple of fire personnel who are also planning to take FF1 and one planning on taking on FFII. There is sufficient money in the fire training budget for all of this training to occur.

Heselton said he would be away from July 22 to 29 on vacation. A notice was put up on the website this evening.

He then asked about the bridge and when it would be open. The Selectmen said they were yet to talk with Holmes about the matter, but it could be open temporarily sometime soon.

At 6:45 pm Guerwood Holmes came in to the Board's meeting. He agreed to let the other department heads finish and then speak with the Board.

Neal Janvrin said that the new federally mandated voting booth is six foot square, and that measurements had been done, and verification from the Secretary of State, that it could go in the EM office at the complex. The phone line is being installed there, and the booth will render the office unusable on the days of voting. Carlson had spoken to Joe Gottlich and Lisa Maffei about this today (as they were discussing changing this from EM to a Rescue office) and neither expressed objections to it. The booth would be placed so as to restrict access to the rest of the room (would create a cubicle within the office) and the door would need to be removed to fit it in.

Janvrin continued that the School calendar is already set for the 2006-07 session, and if the Town can get through next March, it is time to get together and propose using the school for voting because the complex is not big enough any longer. Selectmen will discuss this further with the School Board as soon as they are able to get a letter drafted. This would be proposed for the 2008 election year, beginning with the primary in February of 2008.

Holmes asked Janvrin to call the NH DOT in Durham to see if they can get the state road shoulders fixed. Janvrin said he would make that call.

Holmes asked Selectmen and Chief Heselton to inspect the burn pile so he could perhaps burn it next week. Bolduc said he would check on behalf of the Selectmen and Chief Heselton agreed to check it as well.

Holmes met with the Board this evening to discuss drainage issues on many town roads, and read to the Board an article he is proposing to include in the August Newsletter. The article reads:

HIGHWAY DRAINAGE WORK

As you know with all the rain we have had, the Highway Department has been constantly repairing washouts. We are noticing that most of the washouts and road damage is caused by poor drainage off the paved way.

Therefore, the Highway Department will start doing roadside drainage work such as making sure shoulders are not higher than the edge of pavement, making sure water can drain off, and cleaning the

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ends of culverts by removing rocks and gravel to clear them. Rocks, flowers, topsoil, and bark mulch around mailboxes along the road and adjacent to the pavement will also need to be removed. Sprinkler heads located within the Town right-of-way could be hit. Sprinkler heads should not be placed within the Town's right-of-way.

We generally will try to clean the shoulders approximately ten (10) feet from the edge of pavement. Most of the work will be done in subdivisions such as Mast Tree, Evergreen Estates, Sleeper Circle, just to name a few. We will post a sign at the entrance to the subdivision or street to let you know when work is ongoing. Work will begin approximately September 1, 2006.

Your cooperation in removing items mentioned that you value, will be helpful to avoid damage before crews are in your neighborhood.

Thank you for your assistance with this project.

Holmes said that he feels much of the continued damage during the heavy rains is because water cannot properly get off the road into the prescribed drainage areas and swales. Mailbox and other edge landscaping is prohibiting the proper flow of water.

Richard Butler came into the meeting at approximately 7:10 to drop off a copy of the accident report from the fire truck mishap on July 4th.

Holmes particularly asked the Selectmen to look at drainage and shoulders at 75 Andreski Drive and 49 Ann Lane to gain a better understanding of the type of issues which are causing drainage problems.

There was further follow-up discussion about the cul-de-sac in the middle of Kingman Court. Carlson had spoken with Shawn Senter this week, who agreed to supply two loads of screened loam for the project.

Bolduc had asked at the Planning Board last night for Thom Roy to look at the approved subdivision plan to get the specifications for the roadway and cul-de-sac. Roy had left a copy of the section of the plan detailing the specifications and the Board reviewed it with Holmes. They asked for a letter to be sent to Senter with the copy of the plan and ask him to supply two full loads (Holmes estimated that 10 wheeler loads were needed) of screened loam to the site, and the highway department would do the work, and further ask Senter to hydro seed it. In a conversation with Carlson on Tuesday, Senter had agreed to two loads of screened loam and offered to hydro seed it as well. Selectmen felt he was obligated to do it, and asked Carlson to draft a letter to him, sending a copy of the specification sheet.

Holmes left the meeting at approximately 7:40 pm.

OLD BUSINESS

1. After review, motion was made by Bolduc and seconded by Gates to approve the minutes for 06 July 2006 as written. The vote was unanimously approved 3-0.

2. Carlson updated the Board with some information about the cable contract, in that a summer meeting was due to be scheduled for 2006. The Board needs to further consider any items they want in the contract and get the information back to Jason Whittet at Comcast.

Additionally, Carlson received a call from Angela Roe this week regarding having cable access to Old Ridge Road. Currently there is no service on Old Ridge Road.

Donald Denney came into the Boards meeting at 8:00 pm to discuss the Board's letter from last week. He said he did not mind covering the cemeteries another year, taking the phone calls and selling lots. He said

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he has also done 19 hours of mowing this season in the cemeteries, and that Roger Anderson is doing the bulk of the mowing work.

Cordes said that he understood Carlson had assumed the authority on timesheets, which Denney said he was fine with.

There was some discussion about pay rates for cemetery workers. Selectmen said they would get a letter out to Denney with some recommendations after consulting the budget, for him to review and offer a final written comment/consensus on.

Denney said that the wall in the corner of the cemetery looks OK and that he would not recommend spending any money on it. Bolduc said he had seen it and also did not think it looked that bad. He said employees had doctored it up a bit. Cordes said he would go and look at it.

Motion was made by Gates and seconded by Bolduc to appoint Donald Denney as Superintendent of Cemeteries through March 2007. The vote was unanimously approved 3-0 and the form was signed. Denney took it to the Clerk to be sworn in.

He left the meeting at approximately 8:20 pm.

OLD BUSINESS CONTINUED

3. Selectmen signed a deferral form for the Tax Collector as approved last week for parcel 03-169.49. Later, Mary Anderson returned to the meeting and indicated the deferral form was not necessary as the property had been liened and could be paid off through her office and not the deferral process.

4. Selectmen reviewed a letter from Lynch & Denoncourt, Accountants regarding the Glen Oakes tax forms. With a full explanation of what was necessary, Cordes completed the IRS form 8283 for the Glen Oakes transaction and Board members signed them.

5. The Seacoast Farms court filing has been reviewed by their attorney, and several contentions expressed. Both attorneys are on vacation and it will be another week before further action occurs.

6. A reply email was received by Carlson from Randy Grasso regarding the Board's letter last week on trucking on Beede Hill Road. Selectmen again reviewed the minutes from the January meeting as well as Grasso's concern. No further action was taken this evening as the Selectmen cannot regulate or ban truck traffic on Beede Hill Road.

Selectmen further discussed Scribner Road and the Turner Dam. After lengthy discussion, Gates moved that on behalf of the Town the Board of Selectmen decides to do the following:

1. After taking of extensive pictures of the current exposed conditions of the sluiceway and other open areas that a temporary repair of Scribner Road be completed by the Road Agent. This work shall include the placement of a structurally adequate wood or metal cap across the existing sluiceway and filling the traveled way area with a suitable gravel material. Upon completion of the work, street signs should be changed to reflect current conditions of the road (a suggestion would be that it is open and perhaps indicates a loose gravel surface). Additionally, no trucks are allowed to cross the temporarily fixed location for safety reasons.
2. Concurrently, that Town Counsel is asked to render opinion on the following:

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- A. The location of the property lines in the area relative to the Scribner Road Right of Way and traveled area of the Right of Way.
 - B. The definition of a dam in law or within dam management practices in the State of NH. The question of the sluiceway relative to it being part of the dam should be addressed.
 - C. Is there a written ROW description for Scribner Road (particularly the dam area)? If not, how these ROW rights on old historical roads are typically prescribed in the State of NH.
 - D. Address the question of water flow rights versus property rights on dam structures.
 - E. Address the issues of dam owners' responsibility for adequate maintenance of dam structures relative to public health and safety.
 - F. Any other related issues, that he feels is important to the matter at hand.
3. That Mathew Thomas, Town Historian, be contacted as to any Public Records or Town Meeting or other decisions and agreements with current or previous owners of the properties involving Turner's Dam. Any relevant information be forwarded to the Selectmen's Office for a further review by Town Counsel.

The motion was seconded by Bolduc and voted unanimously in favor 3-0. Selectmen further discussed sending a letter to the State Dam Bureau for more information, and to suggest that Attorney Ryan put together some preliminary information and set out a plan of action to bring back to the Board. The Board would like to be consulted prior to a surveyor or other consultant being hired.

7. Selectmen were updated on Jim Lufkin's appointment with the Building Inspector on Tuesday with regard to his non-conforming use issues at 284 Main Street. Lufkin met with Roy and had nothing further to report, nor had taken any action aside from contacting his attorney who had made some inquiries to Roy. Roy gave him an additional week to 10 days to report back and begin the process with the Planning Board and Zoning Board of Adjustment. Roy had also requested all of the file information be sent to Attorney Ryan for review, which the Selectmen thought was fine.

NEW BUSINESS

1. Selectmen reviewed and approved the payroll manifest \$18,495.85 and accounts payable manifest \$67,339.10. Both were signed. Selectmen pointed out that the Town should not be purchasing material from the contractor who is currently suing the Town over a land use issue (Iron Wheel / Tom Waters).
2. Abatements processed with recommendations from MRI were discussed and voted as follows:

04-007	Kevin & Susan Coco	Granted \$833.94
04-094.25	Dennis Howland & Mary Kaltenbach	Granted \$1,047.96
02-1264.2	William & Kathleen Copp	Granted \$103.32
02-141	Mark Lagasse	Denied

The refunded amounts will be processed for payment next week.

3. Selectmen signed outgoing correspondence to Cindy Richard regarding Joe Gottlich being appointed as Emergency Management Director; and to Keith Gagnon at NH DRA regarding comments on the certification report received.
4. At 9:00 pm motion was made by Bolduc and seconded by Gates to enter non-public session to discuss a personnel matter in accord with NH RSA 91-A 3 II (c) to include review of personnel evaluation forms. The vote was unanimously approved 3-0.

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At 9:10 pm motion was made by Bolduc and seconded by Gates to return to public session. The vote was unanimously approved 3-0. Selectmen had reviewed an evaluation form completed by Lori Holmes for Deputy Town Clerk Kathy Arsenault. There is a recommendation missing on the form and Holmes will be asked to supply this for the meeting next week, and the Board will vote on the amount of increase and have it submitted for the next pay period.

5. Selectmen reviewed and approved an Intent to Cut for Shawn Senter on Whittier Drive at parcel 03-169.59-18. Cutting will be done by Fred LeClair.

6. Carlson discussed with the Board a request from Thom Roy for the Town to partake in the process of having base flood elevations done for the Tibbetts Road residents who have been substantially damaged by the May 2006 floods. Roy suggested that the cost to do the entire neighborhood would be \$3,000; for a total cost perhaps of \$200 per owner. The Board said that if the residents paid for this up front and the surveyor could be paid as he did each parcel, that would be fine, but could not see the expenditure of town funds which are not budgeted for this purpose. They did not feel it was appropriate to spend taxpayer dollars on this private matter.

7. Carlson gave the Board an update on the proposed Parks & Recreation yoga program. The instructor they were conversing with did not want to supply the insurance generally required by the Town for private vendors using town property. Due to his last response, the Commission has decided not to move forward with the program.

8. The Board decided that there will not be a meeting on Thursday August 31, 2006.

OTHER BUSINESS

1. Selectmen reviewed a letter from Martin Ferwerda received today, requesting a meeting with the Board. The paving for a section of the project is due to be completed by July 15th in accord with Ferwerda's Agreement. Wherein that is two days away and no progress has been made toward having it completed by then, Selectmen prepared a letter to his bank indicating that the Town would be looking to call the letter of credit for non-compliance. Selectmen replied to Ferwerda's letter requesting a meeting by giving him time on the agenda at 6:45 pm Thursday July 20th.

There was discussion about the cost of mobile home park permits, given the large amount of work required by the Town for administration. The Board drafted a letter to Thom Roy with the current information on Ferwerda, and asked him to see what other towns charge for mobile home park permits. If compliance with the Agreement is not reached by the deadline of July 15, 2006, Selectmen directed Roy to discontinue issuance of building permits.

NEXT WEEK

The next regular Board meeting will be held on Thursday July 20, 2006 at 6:00 pm. With no further business to come before the Board, motion was made by Gates and seconded by Bolduc to adjourn the meeting at 10:20 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator

